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Sec. 22a-113b-1. Grants for the protection of coves and embayments

(a) Definitions

(1) The definitions of the following terms used in this section are contained in section 22a-93 of the general statutes: commissioner; estuarine embayments; and municipality.

(2) As used in this section:

“Department” means the Department of Environmental Protection;

“Project” means an activity or action conducted in an embayment to solve its environmental problems.

(b) Eligibility

(1) In order to be eligible for funding pursuant to section 22a-113a of the general statutes, a project must be consistent with the policies and standards established in chapter 444 of the general statutes and the municipality’s coastal management program approved in accordance with the provisions of sections 22a-101 to 22a-104, inclusive, of the general statutes; and

(2) Eligibility for funding pursuant to section 22a-113a of the general statutes will be determined on the basis of the degree to which the project meets the following criteria:

(A) the project will solve existing environmental problems affecting the health and general condition of an embayment as defined in section 22a-93 (7) (G) of the general statutes;

(B) there exists or will exist public access to the shoreline of the embayment;

(C) there is a clear demonstration of the causes of and solutions to the environmental problems to be addressed by the project;

(D) upland causes of the environmental problems in the embayment have been addressed independently of the project or will be addressed by the project.

(c) Level of Funding

The Commissioner shall review the project based on eligibility requirements specified in subsection (b) of this section and the evaluation criteria set forth in subsection (b) of section 22a-113a of the general statutes. The grant shall not exceed fifty percent of the allowable costs of the project as set forth in subsection (d) of this section. The Commissioner may request that a municipality provide evidence of financial commitment prior to awarding a grant.

(d) Allowable and Unallowable Costs

(1) Allowable project costs are those costs which are associated with the planning, designing, constructing and monitoring of the project as specified in subsection (a) of section 22a-113a of the general statutes.

(2) Unallowable project costs are those costs which are not necessary for the implementation, construction or monitoring of the project. Such costs shall include but are not limited to:

(A) any costs not specifically approved in advance by the Commissioner;

(B) studies whose primary purpose is to determine the existence of environmental problems;

(C) the approval, preparation, issuance and sale of bonds or other forms of indebtedness required to finance the project and the interest on them;

(D) the cost of operation, maintenance and upkeep of the project;

(E) costs for correcting activities located solely on upland areas which are causing degradation in the embayment. Such activities include but are not limited to failing

septic systems, agricultural runoff, leaking underground storage tanks or stormwater runoff;

(F) costs of legal representation associated with the project;

(G) the costs of acquiring land in fee simple or by lease or easement necessary for the implementation of the project unless specifically approved by the Commissioner;

(H) any other costs deemed unnecessary or excessive by the Commissioner.

(e) **Grant Application**

(1) The grant applications shall be on a form prescribed by the Commissioner and shall include the following:

(A) a letter of application signed by the chief executive officer of the applying municipality;

(B) the name and location of the estuarine embayment in which the project is to be conducted;

(C) a map of the entire embayment showing the location of the principal coastal resources as defined in section 22a-93 (7) of the general statutes and the location of nearby public lands, public access points and the project;

(D) the purpose of the project;

(E) a detailed description of the nature and extent of the environmental problem(s) and their causes. Copies of all studies that document the environmental problems shall be submitted;

(F) a detailed description of the proposed work;

(G) evidence to support the eligibility requirements specified in subsection (b) of section 22a-113b-1 and the evaluation criteria set forth in subsection (b) of section 22a-113a of the general statutes;

(H) identification and description of all public access points;

(I) a description of the anticipated short and long term impacts including but not limited to environmental, recreational, and navigational impacts resulting from implementation of the proposed solution;

(J) a description of any upland problems contributing to the degradation of the embayment including but not limited to controlling sedimentation and stormwater runoff, controlling the density of development, controlling non-point sources of pollution and a description of the solutions to eliminate such problems;

(K) a listing of state and federal licenses, permits or certificates which have been obtained or which will be secured for the project;

(L) a listing of local permits which have been obtained or which are being sought for the project;

(M) a description and estimate of the pre- and post-monitoring, design, and implementation and construction costs;

(N) a description of the manner in which local costs will be financed;

(O) evidence that the project is consistent with the requirements of sections 25-68b to 25-68h, inclusive, of the general statutes;

(P) any other information which the municipality considers relevant;

(Q) any other information that the Commissioner deems necessary.

(f) **Terms of Funding Assistance**

(1) The Commissioner may condition grants as he or she deems necessary.

(2) No grant assistance shall be allowed for any work performed before a grant award without prior written approval of the Commissioner.

(g) **Grant Procedures**

Upon selection of a project by the Commissioner, the Commissioner will transmit the grant agreement contract to the municipality for its approval in accordance with

subsection (c) of section 22a-113a of the general statutes. The grant agreement contract must be executed by the municipality and returned within a timely fashion. The grant agreement contract shall set forth the approved project scope, budget (including state share), the total project cost, the approved commencement and completion date for the project or major phases thereof. The grant agreement contract shall set forth the amount of state reimbursement and schedule of payments. The state grant will be limited to the state's share of the allowable costs as set forth in subsection (d) of section 22a-113b-1. Matching funds from the municipality may be incorporated in grants by reference.

(Effective July 27, 1987)